

In Re: ERVIN CONNELL & JOANN MARIE MADDREY

Case No. 00-05-30505

Debtor(s)

**MOTION TO DISMISS, NOTICE OF MOTION AND NOTICE
OF THE HEARING**

NOW COMES the Chapter 13 Trustee and moves this Court to dismiss this case as provided in 11 U.S.C. 1307(c)(6) as the Debtor(s) are in default in making the payments under the plan.

Inasmuch as the legal basis for this motion is cited herein, it is respectfully requested that the requirement of a separate memorandum of law in support of this motion be waved.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five (5) business days before the date of the hearing, you or your attorney must:

 x File with the court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-(H). If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

Clerk of Court
United States Courthouse
701 East Broad Street, Suite 4000
Richmond, VA 23219

You must also mail a copy to:

Robert E. Hyman, Chapter 13 Trustee
P.O. Box 1780
Richmond, VA 23218-1780

Robert E. Hyman
Chapter 13 Trustee
P.O. Box 1780
Richmond, VA 23218-1780
(804) 775-0979
VSBN #5578

**NOTICE IS HEREBY GIVEN THAT A HEARING ON THIS MOTION
WILL BE HELD AT U. S. BANKRUPTCY COURT, U. S. COURTHOUSE,
ROOM 5100, 701 EAST BROAD STREET, RICHMOND, VIRGINIA
23219, ON FEBRUARY 25, 2009, AT 11:00 AM**

**If no timely response has been filed opposing the relief requested, the Court
may grant the relief requested in the motion.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated: **January 6, 2009**

\S\ Robert E. Hyman

Robert E. Hyman
Chapter 13 Trustee
P.O. Box 1780
Richmond, Virginia 23218-1780
(804) 775-0979
VSBN #5578

Certificate of Service

I hereby certify that I have this **5th day of January, 2009**, mailed or hand-delivered a true copy of the foregoing Notice of Motion to the debtor(s) **ERVIN CONNELL & JOANN MARIE MADDREY, 112 E 31ST ST, RICHMOND, VA 23224** and debtor(s) attorney, **PATRICK KEITH, e-mail: ecf@bolemanlaw.com.**

\S\ Robert E. Hyman

Robert E. Hyman

Robert E Hyman
Chapter 13 Trustee
P.O. Box 1780
Richmond, VA 23218-1780
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